

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

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CLERK

CATE CRUSE-WARNE,)	
)	
Plaintiff,)	Civ. 11- <u>5086</u>
)	
v.)	
)	
LIFE INSURANCE COMPANY)	
OF NORTH AMERICA,)	
)	
Defendant.)	
_____)	

Complaint

1. Cate Cruse-Warne is a citizen of South Dakota who lives in Spearfish.
2. Cruse-Warne is a former flight attendant for Delta Air Lines.
3. Life Insurance Company of North America, which is a subsidiary of CIGNA Corporation, issued a group insurance policy to Delta Air Lines during Cruse-Warne's employment under which Cruse-Warne was insured against disability.

4. The policy was part of an ERISA plan.
5. Life Insurance Company of North America and CIGNA Corporation are citizens of a state other than South Dakota, and do not have their principal place of business in South Dakota.
6. Cruse-Warne is disabled within the meaning of the plan.
7. Defendant wrongfully terminated Cruse-Warne's disability benefits.
8. Cruse-Warne's remedies under the plan will be exhausted as soon as defendant acts on her pending appeal.
9. The amount in controversy exceeds \$75,000, exclusive of interest and costs.
10. This court has jurisdiction under 29 U.S.C. § 1132(a) and 28 U.S.C. § 1331.

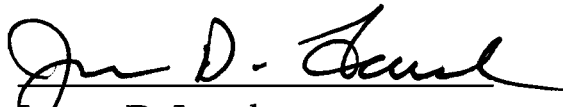
Wherefore, plaintiff prays:

1. For recovery of benefits due under the terms of the plan, to enforce her rights under the terms of the plan, and to clarify her rights to

future benefits under the terms of the plan;

2. For reasonable attorney's fees and costs; and
3. For such other and further relief as the Court deems just.

Dated: November 9, 2011

A handwritten signature in black ink, appearing to read "James D. Leach", written over a horizontal line.

James D. Leach

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Attorney for Cate Cruse-Warne